

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN**

**FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929**

**Crl.MC.No. 3272 of 2004**

-----  
**CC.1306/2002 OF JFCM-I, KOCHI**

-----

**PETITIONER/ACCUSED:**

**THOMAS V. THAZHCHAYIL, "SOWBHAGYA",  
KATTANOM P.O., KAYAMKULAM (VIA),  
ALAPPUZHA DISTRICT.**

**BY ADV. SRI.P.R.SHAJI**

**RESPONDENTS/COMPLAINANT:**

**1. STATE OF KERALA REP. BY THE PUBLIC  
PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM.**

**2. K.K.BABU, 4/770, PUTHELATH ROAD,  
NORTH KALAMASSERY P.O.,  
ERNAKULAM DISTRICT.**

**BY PUBLIC PROSECUTORSRI.P.RAVINDRA BABU**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD  
ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

K.P. Balachandran, J.

-----  
Crl.M.C.No. 3272 of 2004  
-----

**ORDER**

This Crl.M.C. is filed as early as on 2.12.2004. No one was desirous of moving it and obtaining orders till now and today also there is no representation for the petitioner.

2. The prayer in this Crl.M.C. is to call for the records relating to C.C.No.1306/02 on the file of the Judicial First Class Magistrate's Court-I, Kochi and direct the learned Magistrate to accept and consider Annexure A3 petition filed by the petitioner on 29.11.2004 under Sections 243 and 311 Cr.P.C. and to allow the petitioner to examine the witnesses shown in the witness list filed by the petitioner/accused in the said case. No material is furnished other than Annexure A1 complaint, Annexure A2 witness list and Annexure A3 copy of petition filed under Sections 243 and 311 Cr.P.C.. Even the order of the learned Magistrate on Annexure A3 petition or the order sheet in the case

is not produced. In the circumstances, there is no opportunity for this Court to consider as to whether Annexure A3 actually deserves to be allowed.

This CrI.M.C., in the circumstances, is bereft of any bona fides or merit and is dismissed.

10<sup>th</sup> August, 2007

(K.P.Balachandran, Judge)

tkv